



MEMORANDUM

RTC

Agenda Item No. 1(F)3

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 11, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Sec. 30B-3(2) and
creating Sec. 30B-4(24) in Chapter 30B
of the Code, prohibiting camping and/or
lying across bus passenger benches or
within bus passenger shelters serving
Miami-Dade Transit

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



Date: April 17, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance prohibiting camping and/or laying on bus benches/shelters

The proposed ordinance extends the authority to a Miami-Dade Transit official or authorized security officer to enforce the prohibition of any person(s) camping or laying on bus benches and/or shelters. Currently, the Miami-Dade Police Department already has the ability to enforce the removal of any person(s) loitering at bus benches/shelters. While the implementation of this ordinance will not have an impact to the County, proactive enforcement would require additional security resources.


Alina T. Hudak
County Manager/Deputy Mayor

fls6212

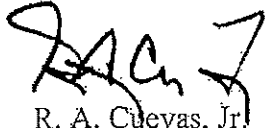


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 17, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(C)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
4-17-12

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 30B-3(2) AND CREATING SECTION 30B-4(24) IN CHAPTER 30B OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PROHIBITING CAMPING AND/OR LYING ACROSS BUS PASSENGER BENCHES OR WITHIN BUS PASSENGER SHELTERS SERVING MIAMI-DADE TRANSIT; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board finds that it is in the interest of the County to maintain Miami-Dade Transit property in an attractive and intact condition, readily available for the use and enjoyment of all of its patrons; and

WHEREAS, camping or lying across bus passenger benches or within bus passenger shelters interferes with the use of such facilities and the comfort of Miami-Dade Transit patrons,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30B-3(2) of the Code of Miami-Dade County, Florida, is hereby amended and Section 30B-4(24) of the Code of Miami-Dade County, Florida, is hereby created within Chapter 30B, Transit Agency Rules and Regulations, to read as follows:

Sec. 30B-3 – Applicability and penalties.¹

(1) *Applicability.* The chapter applies to all who utilize the transit system.

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added. Remaining provisions are now in effect and remain unchanged.

(2) Penalties.

- (a) Any person violating subsections (2), (5), (6), (7), (9), (10), (11)>>,<<[[and]] (22) >>and (24)<< of Section 30B-4 of the Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County shall, upon being warned by a ~~[[Police Officer of Metropolitan Dade County]]~~>>Miami-Dade Transit official, authorized security officer or a law enforcement officer,<< cease the prohibited activity. If the person continues the prohibited activity after such warning, the ~~[[police officer]]~~ >>Miami-Dade Transit official, authorized security officer or a law enforcement officer,<< may direct the individual to leave the train>>, bus, bus passenger shelter, bus passenger bench<< or ~~[[to leave the]]~~ premises of the station >>, as applicable<<. Any individual who does not leave as directed, shall be ~~[[charged with trespassing]]~~ >>subject to arrest for trespassing pursuant to Chapter 810.09 Florida Statutes (2011) (as amended from time to time)<< and subject to a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both. In lieu of any fine or penalty, the court may order any person convicted of violating any provision of this chapter to participate in transit public service for a minimum of ten (10) hours. Such service may include graffiti removal, cleaning of transit vehicles, and maintenance of transit right-of-way.

* * *

>>Sec. 30B-4 (24) Prohibition on Camping or Lying Across Miami-Dade Transit Bus Passenger Benches or Within Bus Passenger Shelters

- (a) There shall be no camping on Miami-Dade Transit bus passenger benches or within bus passenger shelters. Camping is defined as the use of the bus passenger bench or bus passenger shelter for living accommodation purposes, including but not limited to, setting up any tents, shacks, or shelters for sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).
- (b) Bus passenger benches are to be used as seating areas for Miami-Dade Transit patrons. Standing on or lying across bus passenger benches is prohibited.
- (c) Bus passenger shelters are rigid structures situated upon or attached to real property outdoors, for the purpose of furnishing a waiting

area or shelter for the use and convenience of Miami-Dade Transit patrons. Lying down within the bus passenger shelter is prohibited.<<

Section 2. If any section, subsection, sentence, or clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and, if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



~~Alexander S. Bokor~~

Prime Sponsor: Senator Javier D. Souto
Co-Sponsor: Commissioner Jose "Pepe" Diaz